

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GEORGE IVAN LOPEZ, <i>et al.</i>,	:	CIVIL ACTION NO. 3:21-CV-1819
	:	
Plaintiffs	:	(Judge Conner)
	:	
v.	:	
	:	
JOHN E. WETZEL, <i>et al.</i>,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 30th day of November, 2022, upon consideration of the Report and Recommendation (Doc. 53) of Chief United States Magistrate Judge Karoline Mehalchick to deny defendants' motion (Doc. 32) to dismiss plaintiffs' complaint (Doc. 1) pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim on the basis of qualified immunity, defendants' objections (Doc. 58) thereto, plaintiffs' reply (Doc. 75), and the parties' respective briefs in support of and in opposition to defendants' motion, and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. The Report and Recommendation of Chief Magistrate Judge Mehalchick (Doc. 53) is ADOPTED to the extent that it recommends denying defendants' motion with respect to plaintiffs' Eighth Amendment and statutory claims.
2. Defendants' objection (Doc. 58) to the Report and Recommendation's proposed denial of qualified immunity with respect to plaintiffs' Fourteenth Amendment claims is SUSTAINED. All other objections are OVERRULED.
3. Defendants' motion (Doc. 32) to dismiss is GRANTED to the extent that plaintiffs' Fourteenth Amendment claims are dismissed with prejudice. The motion is otherwise DENIED.

4. Defendants shall respond to the complaint (Doc. 1) in accordance with the Federal Rules of Civil Procedure.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania